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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,339	07/10/2001	Rudolf Beisswanger	VOI0202.US	8901
7590	10/29/2004		EXAMINER	
TAYLOR & AUST, P.C. 142 S. Main St. P.O. Box 560 Avilla, IN 46710			ALVO, MARC S	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/902,339	BEISSWANGER ET AL.	
	Examiner	Art Unit	
	Steve Alvo	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 July 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 32-38 and 40-63 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 32-38 and 40-63 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

The restriction requirement of July 1, 2003 was made final in the Final Rejection; The non-elected claims should be cancelled in response to this action.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32-38 and 40-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/33974 in view of LIEDES et al or DEVLIN or NIEMNEN et al.

WO 98/33974 teaches an apparatus for separating (see Figure 1A-1D) a flexible web (A) from an upstream section to a downstream section having two separation elements (C1 and C2) forming an edge strip (B) an adjoining transfer strip (A') and remaining web portion (A) and one deflection device (see large arrow in Figures 1A and 1B for air deflecting web portion away from edge strip) for deflecting the web away from the edge strip. The edge strip in Figure 1A eventually becomes the web as it is shifted to the right as shown in Figure 1B, forming new edge strip (B). The removal of the edge strip is by deflecting the edge strip is taught by LIEDES et al (see abstract) or DEVLIN (see 91 and 92) or NIEMNEN et al (see abstract). It would have been obvious to the routineer that the edge strip of WO 98/33974 could have been deflected using the deflecting devices of LIEDES et al or DEVLIN or NIEMNEN et al. It would have been obvious that either the web or edge strip could be deflected as either one could be removed from the either or both deflected from the other to perform the operation of separation. The edge strip of WO 98/33974 is originally cut by a first element (C1) which is close to the relevant web edge and activated before the second cutter C2. The end strip which has been cut by the first

aactivated element (C1) is tautened and led away by the rope draw (Figure 1A) to the pulper (Figure 2); a second element is then activated (C2) to change the edge strip into a lead strip (transfer slip), see Figures 2 and 3. Strip (A) of WO 98/33974, is tautened as it is deflected away from web A'. It would have been obvious that the edge strips of LIEDES et al or DEVLIN or NIEMNEN et al could be deflected in a similar manner e.g. tautened.

Applicant's arguments have been considered but are not convincing as the claims do not patently define over elements C1 and C2 of WO 98/33974. C1 is originally closest to the edge and is the first activated. The difference between the instant Application and that of WO 98/33974 if any, is in the operation and not in the apparatus. The structure of WO 98/33974 is fully capable of being operated in the manner disclosed in the instant specification. Both the instant Application and WO 98/33974 disclose cutting an edge strip using a first cutter, then forming a transfer (lead) strip with a second cutter and leading the cut edge strip away from the remaining web. The instant structure would have been obvious over the structure of the combined references for the reasons set forth in the rejections above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Alvo whose telephone number is 571-272-1185. The examiner can normally be reached on 5:45 AM - 2:15 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steve Alvo
Primary Examiner
Art Unit 1731

msa